

**CONCLUSION**

Both this Commission and individual state commissions have enormous responsibilities under the new law. State commissions may mediate interconnection negotiations, arbitrate disputes and approve (or disapprove) arbitrated agreements, and approve or disapprove Statements of Generally Available Terms. They may review and revise their universal service mechanisms. And they may implement pro-competitive rules that relate to intrastate services. What state commissions may not do is adopt rules, policies or interpretations that conflict with the terms of the new law or this Commission's regulations implementing the new law, or that interfere with this Commission's obligation to "execute and enforce" that law.

Given the magnitude of the changes wrought by the 1996 Act, it is probably inevitable that there would be differences of opinion regarding where the scope of federal authority ends and the realm of state authority begins. The undersigned associations believe, however, that the public interest will be served by this Commission stating clearly and unequivocally that the opening up of local exchange markets to fair and robust competition is now mandated as a matter of federal law, and that this Commission, as the agency charged by Congress with implementing that law, has the final say on what the ground rules for such competition will be. Otherwise, energy that should be focused on bringing the benefits of competition to the nation's

---

<sup>23</sup>(...continued)

Congress viewed its grants of authority to the Commission in Part II to be so plain and so straightforward that no possible limitation of them from Section 601(c) could have been contemplated. The point here, as the Court noted in *Louisiana*, is that Congress's intent controls. The specific language and general structure of Part II in general, and of Sections 251 and 252 in particular, clearly show that Congress intended the Commission's regulations to implement the new law to be binding on the states.

**New Jersey Telecommunications Ass'n,  
South Carolina Cable Television Ass'n,  
and Texas Cable & Telecommunications Ass'n,  
Reply Comments in CC Docket No. 96-98, May 30, 1996**

---

telecommunications consumers may be squandered on a potentially endless stream of jurisdictional turf battles.

Respectfully Submitted,

**THE NEW JERSEY CABLE  
TELECOMMUNICATIONS ASSOCIATION  
THE SOUTH CAROLINA CABLE  
TELEVISION ASSOCIATION, AND THE  
TEXAS CABLE & TELECOMMUNICATIONS  
ASSOCIATION**

By: 

John D. Seiver

John C. Dodge

Navid C. Haghighi

**COLE, RAYWID & BRAVERMAN, L.L.P.**

1919 Pennsylvania Avenue, N.W., Suite 200

Washington, D.C. 20006

202-659-9750

Their Attorneys

May 30, 1996

**ATTACHMENT**

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 96-018-C - ORDER NO. 96-364  
MAY 20 1996

IN RE:   Generic Proceeding to Address Local                 ) ORDER  
          Competition in the Telecommunications             )  
          Industry in South Carolina.                         )

This matter comes before the Public Service Commission of South Carolina (the Commission) for ruling on a number of issues pending in this case. The Commission notes that the parties in this matter have held several workshops and discussions, and now the matter is before us for ruling on various matters.


It would appear to be appropriate to hold the hearing in this matter in abeyance until the last quarter of 1996. It has been noted that various proceedings are presently going on at the Federal Communications Commission (FCC) which could have an effect on local competition in South Carolina. It would appear to this Commission to be the better practice to wait until the last quarter of 1996 before holding hearings, in this Docket to see what, if any, actions have been taken by the Federal Communications Commission that may affect local competition issues in South Carolina.

Also, we believe that the testimony dates for pre-filing of testimony and exhibits previously established by this Commission in our Order No. 96-301, should be held in abeyance until further notice.

After some consideration, it also appears that the better course in this matter is to limit the hearing in the last quarter of 1996 to the issues of universal service, universal service fund, and other related issues, such as lifeline and carrier of last resort. This appears to be proper. Other issues that remain, such as interconnection, unbundling, and resale may be addressed through negotiation and arbitration, consistent with the Telecommunications Act of 1996. Should the Commission deem that additional hearings or workshops are needed, concerning other issues, such as customer service and/or quality standards, the Commission will address these issues at a later time.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director

(SEAL)